

REMARKS/ARGUMENTS

The non-final Office Action of August 15, 2007 has been carefully reviewed and these remarks are responsive thereto. Claims 58-82 remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Telephone Interview

Preliminarily, applicants note with appreciation the courtesies extended to Mr. Brisnehan by Examiner Huynh during the personal interview on January 9, 2008. In accordance with applicants' report of the substance of interview pursuant to MPEP § 713.04, during the interview various arguments and amendments were discussed differentiating Etheredge from the claimed invention. Notwithstanding, as mentioned below, applicants are filing a Declaration under 37 C.F.R. § 1.131 to disqualify Etheredge as a reference.

Nonstatutory Double Patenting

Claims 58-82 stand rejected under the nonstatutory judicially created doctrine of double patenting over claims 1-33 of U.S. Patent No. 6,724,405, claims 1-18 of U.S. Patent No. 6,313,851, and claims 1-13 of U.S. Patent No. 6,266,059. Applicants submit a terminal disclaimer concurrently with the filing of this paper, thereby rendering the rejection moot.

Rejections Under 35 U.S.C. § 112

Claims 69-82 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action on page 3 alleges that the claim features, "executing said application program in response to said second signal," and "displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed," recited in independent claims 69 and 76, were not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Applicants respectfully traverse.

The Office Action asserts that the above recited features, and specifically "wherein said menu is displayed only after said application is executed," (emphasis in Office Action) were not

adequately described in the specification. In support of this assertion, the Examiner correctly states that the specification discloses an embodiment wherein a first signal is received for displaying a menu and a second signal is received for executing an application selected from the menu. However, the Office Action fails to acknowledge that the specification also discloses embodiments wherein the menu is displayed only after said application is executed, as recited in claims 69 and 76. For example, Figure 8 and page 22, line 5 to page 23, line 2 of the specification as originally filed describe a process in which accelerator keys may be used to execute a selected application even before the menu is displayed. In fact, as expressly stated at page 22, line 19-page 23, line 2 of the specification, "the process shown in FIG. 8 permits a user to quickly launch applications without waiting for a previous application to launch or a menu to be displayed." Additionally, as illustrated in Figure 8, the first signal (menu request 801) is received prior to the receipt of the second signal (accelerator keys pressed 802). Nonetheless, the corresponding application may be executed (step 804) before the menu is displayed (step 806).

Applicants submit that the above-discussed portions of the original disclosure, in conjunction with the remaining sections of the specification, and the figures, provide an adequate written description for, "executing said application program in response to said second signal," and "displaying a menu responsive to said first signal, wherein said menu is displayed only after said application is executed," as recited in independent claims 69 and 76. Accordingly, Applicants respectfully request that the rejections under 35 U.S.C. § 112, first paragraph, be reconsidered and withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 58-82 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,990,890 (Etheredge). Applicants traverse this rejection for at least the following reasons.

Notwithstanding the merits of this rejection, applicants are submitting herewith a Declaration under 37 C.F.R. § 1.131 to remove Etheredge as a reference. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact Brian Brisnchan at (202) 824-3324.

Respectfully submitted,
BANNER & WITCOFF, LTD.

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